

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CHAD ERIC BJORK,

Plaintiff,

vs.

CHRISTINE SLAUGHTER, et al.,

Defendants.

CV 18–107–H–DLC–JTJ

ORDER

On February 13, 2020, United States Magistrate Judge John Johnston entered his Order denying Montana State Prisoner Chad Eric Bjork’s Motion to Compel, Motion to Supplement Complaint, and Motion to E-File Documents. (Doc. 49.) Bjork objects and so the Court will review for clear error. 28 U.S.C. § 636(b)(1)(A).

I. Motion to Compel

Judge Johnston denied Bjork’s Motion to Compel because Bjork failed to comply with the Court’s Local Rules requiring, in pertinent part, that Bjork conference with opposing counsel and attempt to resolve the dispute prior to bringing a motion. (Doc. 49 at 2.) In his objections, Bjork explains that he has no ability to have a direct dialogue with opposing counsel. (Doc. 50 at 1.) Yet, recent filings in this case indicate that Bjork has been in communication with opposing counsel. (*See* Doc. 53 at 2.) While the Court appreciates the added difficulty that

incarceration lends to the equation, Bjork does not explain why he is unable to call opposing counsel or communicate in writing. There is no clear error in Judge Johnston's decision to deny Bjork's Motion to Compel.

II. Motion to Supplement

Judge Johnson denied Bjork's Motion to Supplement Complaint as untimely. (Doc. 49 at 2.) Bjork filed his motion to supplement nearly four months after the deadline to amend the pleadings. (*Id.*) Judge Johnston determined that Bjork failed to show good cause for his failure to comply with the deadlines. (*Id.*) Bjork explains that his motion to supplement, which raises four new claims, is not a motion to amend the pleadings (Doc. 50 at 2), but this is semantics. Bjork has not demonstrated good cause to add new claims to his existing lawsuit, particularly given that discovery is quickly coming to a close. (*See* Doc. 56.) Judge Johnston did not clearly err in denying Bjork's motion.

III. Motion to E-File Documents

Bjork's Motion to E-File Documents requested that he be able to send all documents intended for opposing counsel through the E-filing system. Judge Johnston denied Bjork's motion because the E-Filing Project is not a communication tool for the parties. (Doc. 49 at 3.) In his objections, Bjork again expresses the difficulty he has had communicating with opposing counsel. The Court trusts that, in the process of resolving the various discovery disputes (*see*

Doc. 53) opposing counsel will make every effort to iron out any remaining communication difficulties so that both parties may fully respond to all discovery requests. Nevertheless, there is no clear error in Judge Johnston's decision to deny Bjork's Motion to E-File.

IT IS ORDERED that Bjork's Objection (Doc. 50) is DENIED.

DATED this 3rd day of April, 2020.



Dana L. Christensen, District Judge
United States District Court